

REMARKS

Claims 1-28 remain pending in this application. No claims are amended, canceled, or added.

The Office Action indicates on page 2 that a more descriptive title is desired. As shown above, applicant amends the title so that it is more descriptive.

Claims 1-4, 6, 7, and 23-26 stand rejected under 35 U.S.C. § 102(e) as anticipated by Feigenbaum (U.S. Patent No. 6,377,974). Applicant respectfully traverses this rejection. As shown below, there is no way to *consistently* assign prior art elements to claim elements in such a way that each Feigenbaum element would have *all* corresponding characteristic recited in the claims.

First, regarding claims 1-4, 6, and 7, base claim 1 describes an information distribution apparatus that includes:

distribution means for transmitting the distribution information in real time *to a receiver terminal* [emphasis added].

(Because claims 2-4, 6, and 7 depend from claim 1, they also describe an information distribution apparatus with this feature.) The quoted claim recitation means that the information distribution apparatus has a “distribution means,” but it does *not* necessarily have a “receiver terminal.” Instead, the claim only specifies that that information distribution apparatus has an element *for transmitting to a receiver terminal*.

Feigenbaum teaches in Fig. 1 a system for downloading a file from a server. Specifically, both server computer 12 and proxy server 16 are able to transmit information (bytes). The Office Action does not indicate which element the rejection relies upon to teach the “distribution means for transmitting the distribution information” as recited in claim 1. Instead, the Office Action only cites both figures and ten lines of text, and these citations include both server

computer 12 and proxy server 16. Applicants therefore discuss both possible interpretations of the Office Action.

If it were intended that the rejection rely on server computer 12 to teach the “distribution means for transmitting the distribution information” as recited in the claims, then the “receiver terminal” would be either client computer 10 or proxy server 16.

If instead it were intended that the rejection rely on proxy server 16 to teach the “distribution means for transmitting the distribution information” as recited in the claims, then the “receiver terminal” would be client computer 10. (Although proxy server 16 apparently transmits *a request for* distribution information to server computer 12, it does not transmit the distribution information itself to server computer 12. Instead, proxy server 16 *receives* distribution information *from* server computer 12.)

Regardless of whether the rejection relies on server computer 12 or on proxy server 16 to teach the “distribution means for transmitting the distribution information” recited in claim 1, Feigenbaum cannot anticipate the claimed information distribution apparatus because of the following:

Claim 1 also specifies that the information distribution apparatus:

... stores specific information for specifying a position on the distribution information where interruption has arisen.

The Office Action, on page 3 in the first paragraph, seems to imply that the rejection relies on client computer 10 to store the specific information as described. However, the Office Action earlier indicates that the rejection relies on server computer 12 or on proxy server 16 to teach the claimed information distribution apparatus, and a rejection cannot *simultaneously* rely on a different element, client computer 10, to also teach the information distribution apparatus.

Therefore, the anticipation rejection cannot rely on client computer 10 as performing the function quoted above.

It would also not be possible to rely on the Feigenbaum system as a whole (client computer 10, server computer 12, network 14, and proxy server 16) to teach the claimed information distribution apparatus. As explained above, claim 1 specifies that the apparatus includes an element for transmitting information to a receiver terminal, and the claim also specifies that the apparatus stores specific information for specifying a position on the distribution information where interruption has arisen. Client computer 10 cannot simultaneously anticipate both distinct elements of the claim for the following reason:

Both the “distribution means for transmitting ...” and the “interruption information storage means ...” are written in means-plus-function format, so, under 35 U.S.C. § 112, sixth paragraph, these elements must be interpreted to cover the corresponding structure described in the specification and equivalents thereof. The specification describes the “distribution means for transmitting ...” as communications control section 18 in Fig. 1 (see, for example, paragraph [0054]) and the “interruption information storage means ...” as the interruption information table in Fig. 2, which is stored in communications information management section 20 (see, for example, paragraphs [0038] and [0040]). Clearly, communications control section 18 and communications information management section 20 are different elements.

Applicant has reviewed Feigenbaum and finds no *consistent* way to assign disclosed elements to claim elements in such a way that each Feigenbaum element would have each corresponding characteristic recited in the claim. As discussed above, the Office Action does not provide such correspondence. Accordingly, the rejection of claims 1-4, 6, and 7 has not been justified.

Regarding claims 23-26, the Office Action indicates only that the rejection of those claims is based on “similar reasons” as for the other claims. Applicants submit that the rejection is improper for the same reason that the rejection of the other claims is improper. Although base claim 23 does not recite the “distribution means for transmitting ...” and the “interruption information storage means ...” in exactly the same way that claim 1 recites those elements, the elements are written means-plus-function format, and they thereby refer to the same or “similar” subject matter.

In view of these remarks, applicant solicits the withdrawal of the anticipation rejection of claims 1-4, 6, 7, and 23-26.

Claims 8, 9, 11-19, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as obvious over Feigenbaum. Applicant respectfully traverses this rejection.

Base claims 8 and 11 recite “distribution means for transmitting ...” and “interruption information storage means ...” analogously to how claims 1 and 23 (discussed above) recite these elements. (Claims 9 and 12-19, 21, and 22 each depend from one of claims 8 and 11, so they recite these elements also by virtue of their dependency.) The obviousness rejection relies on Feigenbaum to teach these elements, and applicants explain above why Feigenbaum cannot teach these elements. Accordingly, the rejection cannot be proper.

Therefore, applicant solicits the withdrawal of the obviousness rejection of claims 8, 9, 11-19, 21, and 22.

Applicant appreciates the indication that claims 5, 10, 20, 27, and 28 are objected to but would be allowable if these claims are rewritten in independent form. As indicated above, however, the rejections of the base claims is not proper, so it is not necessary to rewrite claims 5, 10, 20, 27, and 28 in independent form to gain their allowance.

In a different matter, the Office Action not acknowledge applicant's claim for foreign priority under 35 U.S.C. § 119. Applicant requests that the next communication from the PTO provide such acknowledgement.

In still another matter, applicant observes that the Office Action dated December 14, 2004 includes *two* copies of each form PTO-1449 of previously-filed Information Disclosure Statements (IDSs). Applicant is concerned that the PTO clerical staff may have provided the copies of forms that were supposed to remain in the PTO record. Therefore, the present submission contains copies of those forms (with the Examiner's initials indicating review) to ensure that the PTO record is complete.

In view of the remarks above, applicant now solicits a Notice of Allowability. If the Examiner believes that issues remain regarding allowance, he is welcome to contact the undersigned to discuss resolution of those issues.

If this paper is not timely filed, applicant petitions for an extension of time. The fee for the extension, and any other fees that may be due, may be debited from Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Joseph L. Felber
Attorney for Applicants
Registration No. 48,109
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

Enclosure: Copies of forms PTO-1449 from previously-filed the Information Disclosure Statements (IDSs)

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